

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RAY NORMENT	:	CIVIL ACTION
v.	:	
MR. BLACKMON, et al.	:	NO. 06-cv-3200

RAY NORMENT	:	CIVIL ACTION
v.	:	
MR. BLACKMON, et al.	:	NO. 06-cv-3798

MEMORANDUM AND ORDER

Petitioner Ray Norment was prosecuted, convicted and sentenced for two separate criminal offenses in the Court of Common Pleas of Philadelphia County, Pennsylvania; these two separate prosecutions were labeled by that court as 9512-0321 and 9909-0112. Petitioner does not indicate what types of crimes these two separate convictions represent; however, within the last year, Norment was convicted of violating the conditions of his parole in both of these two criminal matters. Norment was sentenced by Judge Snite of the Court of Common Pleas of Philadelphia County on January 18, 2006 for violating the conditions of his parole with regard to his conviction and sentence in 9512-0321. Norment was sentenced by Judge Bright of the Court of Common Pleas of Philadelphia County on June 7, 2006 for violating the conditions of his parole with regard to his conviction and sentence in 9909-0112.

On July 20, 2006, petitioner filed, in one single mailing, what appeared to be a 28 U.S.C. §2254 petition, which the Clerk of this Court labeled as 06-cv-3200. The Clerk did not become aware until August 25, 2006 that this filing of July 20, 2006 in fact consisted of two separate 28 U.S.C. §2254 petitions, one of which attacked his January 18, 2006 sentence for parole violations and one of which attacked his June 7, 2006

sentence for parole violations. Because these two filings were made simultaneously in this court and arrived in this court in the same envelope, and because they were virtually identical in terms of the arguments made that would allegedly justify habeas corpus relief, the Clerk incorrectly thought that they were two identical copies of the same petition and had them opened as one single petition, labeled 06-cv-3200.

When the Office of the Clerk of this Court became aware of this problem, they corrected the court's records so that the attack on the conviction and/or sentence of January 18, 2006 remained labeled by this court as 06-cv-3200. The Office of the Clerk of this Court then had the attack on the conviction and/or sentence of June 7, 2006 re-labeled as 06-cv-3798; the Office of the Clerk properly indicated on the docket that the case numbered 06-cv-3798 was filed in this court on July 20, 2006.

06-cv-3200 has already been properly assigned to United States Magistrate Judge M. Faith Angell for a Report and Recommendation; this assignment shall not be disturbed.

With regard to 06-cv-3798, petitioner has used the current standard 28 U.S.C. §2254 form. Use of this court's current standard form in 28 U.S.C. §2254 habeas cases is necessary so as to guarantee that the defendant is made aware of the specific warnings required from this district court at the commencement of any 28 U.S.C. §2254 habeas case pursuant to **USA v. Thomas**, 221 F.3d 430 (3rd Cir. 2000) (which relates to the **strict and short** statute of limitations that exists for filing a 28 U.S.C. §2254 petition); and **Mason v. Meyers**, 208 F.3d 414 (3rd Cir. 2000) (which relates to the **strict** restrictions on filing a "second or successive" 28 U.S.C. §2254 petition that have been created by 28 U.S.C. §2244) (these specific **Thomas** and **Mason** warnings are

Petitioner did not tender the required \$5.00 filing fee in 06-cv-3798. Petitioner has requested leave to proceed in forma pauperis in 06-cv-3798, but has not furnished the court with the entire application form for requesting such leave, including the requisite certification of prison assets **signed by a prison official** (in other words, page 19 of the current standard form). Accordingly, this Day of September, 2006, it is hereby

ORDERED that the Clerk of Court furnish petitioner with the current form for filing an application for leave to proceed in forma pauperis, and bearing the number 06-cv-3798, and, it is further

ORDERED that 06-cv-3798 is **DISMISSED WITHOUT PREJUDICE**, with the Clerk of Court being instructed that if petitioner shall **either**: complete the aforesaid form and return it to the Clerk of this Court within thirty days; **or**, tender a check for five dollars to the Clerk of this Court within thirty days, that these facts shall be referred to this court, which will then consider whether or not to reopen 06-cv-3798.

S/ EDUARDO C. ROBRENO
EDUARDO C. ROBRENO, U.S. District Judge